



ENTERED
10/18/2007

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In Re:	§	
	§	Case No. 06-33139
MAZADA ENTERPRISES, INC.	§	Chapter 11
	§	
Debtor	§	
<hr/>		
	§	
TRUSTMARK NATIONAL BANK,	§	Adv. No. 07-3047
	§	
Plaintiff	§	
	§	
v.	§	
	§	
LARRY CAPLAN	§	
	§	
Defendant	§	

JUDGMENT THAT DEFENDANT TAKE NOTHING ON HIS COUNTERCLAIM

[Docket No. 5]

On April 26, 2007, the Court held a hearing on Trustmark National Bank's Original Complaint and Application for Injunctive Relief (the Complaint) against Larry Caplan (Caplan) [Adv. Docket No. 1] and Caplan's Counterclaim against Trustmark and its counsel. [Docket No. 5.] At this hearing, the Court found that it had non-core jurisdiction over this adversary proceeding. The Court asked Caplan whether he wanted this Court to enter a final judgment on his Counterclaim, and he responded in the affirmative. By virtue of filing its Original Complaint, Trustmark also wants this Court to enter a final judgment. Accordingly, pursuant to 28 U.S.C. § 157(c)(2), this Court will enter a final judgment on the Debtor's Counterclaim. At the close of the hearing, this Court found that the Debtor did not present any evidence to establish the allegations contained in the Counterclaim. Accordingly, the Court finds that Caplan should take nothing by his Counterclaim.

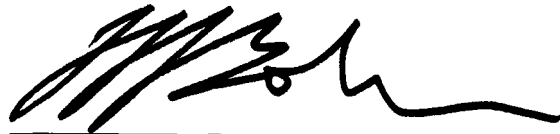
Further, although the Court has not yet ruled on the Plaintiff's Complaint, the Court finds that there is no just reason for delaying the entry of this take nothing judgment on Caplan's Counterclaim, and therefore expressly directs the Clerk of Court to immediately enter this take nothing judgment on the docket. It is therefore:

ORDERED that Caplan take nothing by his Counterclaim; and it is further

ORDERED that all relief requested in Caplan's Counterclaim is denied; and it is further

ORDERED that the Clerk of Court shall immediately enter this Judgment on the docket.

Signed this 18th day of October, 2007.

A handwritten signature in black ink, appearing to read 'Jeff Bohm', written over a horizontal line.

Jeff Bohm
United States Bankruptcy Judge